

USSN: 08/809,340
Group No. 1722
Examiner: Mackey, J.
Page 3

DRAFT

holding a thermoformed article disposed in the cavity.

REMARKS

1. Claim 1 has been canceled. It is therefore submitted that the Examiner's rejections in sections 3 and 7 of the Final Rejection do not apply anymore.
2. In view of the above, Applicant hereby withdraws his claim to make the present application as a CIP of US 08/481,458. See also above amendments to the description.
3. Claim 43 has been rewritten in independent form to include the limitations of canceled claim 1.
4. In section 5 of his Final Rejection, the Examiner has rejected claims 4-30 and 43-44 under 35 USC 103(a) as being unpatentable over UK Patent Application GB 2,263,660 taken together with International Application Publication WO 94/15863. This rejection is respectfully traversed. Applicant points out that both references have the same inventor of the present application, Pietro Padovani. More specifically, with reference to WO 94/15863 , the filing date is December 27, 1993, namely less than one year before the priority date of the present application, namely September 14, 1994. See MPEP, section 715.01(c). It is therefore submitted that the reference WO 94/15863 cannot be

USSN: 08/809,340
Group No. 1722
Examiner: Mackey, J.
Page 4

DRAFT

applied against claims 4-30 and 43-44. As a consequence, these claims are patentable and in condition for granting.

5. In section 6 of his Final Rejection, the Examiner has rejected claim3 under 35 USC 103(a) as being unpatentable over GB '660 taken together with WO 94/15863, as applied to claims 4-30, 43 and 44 above, and further in view of US Pat. No. 3,966,386 to Beyer-Olsen. It is submitted that the reference WO 94/15863 cannot be applied against claim 3 for the same reasons as above. As a consequence, this claim is patentable and in condition for granting.

For the reasons explained above, favorable reconsideration of the present application is respectfully requested.

USSN: 08/809,340

Group No. 1722

Examiner: Mackey, J.

Page 5

DRAFT

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

Respectfully submitted,

DRAFT

Ross A. Schmitt
Reg. No. 42,529
LADAS & PARRY
5670 Wilshire Boulevard
Suite 2100
Los Angeles, California 90036
(323) 934-2300

Enclosures - Appendix